

REMARKS

Amendments In the Claims and Claim Objections

Claims 38-45 have been cancelled without prejudice or disclaimer. Thus, the claim objections over duplicate claims are moot. The subject matter of claims 38 and 39, which were allowed, are now present in claims 1 and 2, respectively. Thus, these claims should be allowable. Claims 6, 16, 20, 30, 36, and 37 are amended to use the “consisting of” claim language terminology as do claims 1 and 2, former claims 38 and 39.

Claims 14, 15, 28 and 29 are amended and now recite that ZnO is present in more than 0wt% in the compositions.

The same number of new independent claims are added as cancelled.

Claims 49 and 50 are the same as claim 6, except for the absence of an optional component from each, i.e., SnO₂ and Cl⁻, respectively.

Claims 51 and 52 are the same as claim 20, except for the absence of an optional component from each, i.e., SnO₂ and Cl⁻, respectively.

Claims 53 and 54 are the same as claims 6 and 20, respectively, except for the absence of an optional component from each, i.e., CeO₂.

Claims 55 and 56 are the same as claims 6 and 20, respectively, except for the absence of at least one of optional components ZrO₂ or TiO₂.

Priority

Attached is a certified copy of the priority document.

The Rejection Under 35 USC § 102

The rejections are overcome by the use of “consisting of” claim language which effectively excludes the MoO₃ component of the Peuchert glasses.

The Rejections Under 35 USC § 103

Claims 1-37, 40-43, and 48 were rejected as allegedly unpatentable over Narita et al., US 6,468,933.

Narita requires the presence of SnO_2 and Cl_2 in the glasses. See abstract. Independent claims 1, 2, 30, 36 and 37, and their dependent claims exclude these components by the use of the “consisting of” language. No teaching or suggestion is present in the reference to exclude these components from the glasses

Narita teaches glasses with percent ranges of components claimed broadly. All the examples in Narita are directed to glasses that do not fall within the claims of the present application. No teaching or suggestion is present in Narita that would provide the necessary motivation to one of skill in the art to select these components at the specified weight percentages to achieve the presently claimed glasses having the desired properties. Thus, none of the claims are obvious.

With respect to new claims 49-52, wherein claims 49 and 50 are the same as claim 6, except for the absence of an optional component from each, i.e., SnO_2 and Cl^- , respectively, and wherein claims 51 and 52 are the same as claim 20, except for the absence of an optional component from each, i.e., SnO_2 and Cl^- , respectively, patentability over Narita is even more clear since Narita requires the presence of SnO_2 and Cl_2 in the glasses.

Claims 1-37 were rejected as allegedly unpatentable over Watzke et al., DE 196 01 922 A1.

Watzke requires the presence of SnO in the glasses. See page 1, lines 10-12. Independent claims 1, 2, 30, 36 and 37, and their dependent claims exclude these components by the use of the “consisting of” language. No teaching or suggestion is present in the reference to exclude these components from the glasses

Watzke teaches glasses with percent ranges of components claimed broadly. All the examples in Watzke are directed to glasses that do not fall within the claims of the present application. Watzke exemplifies only MgO , CaO and SrO contents in his glasses, which are not even within the claimed ranges. No teaching or suggestion is present in Watzke that would provide the necessary motivation to one of skill in the art to select the components at

the specified weight percentages to achieve the presently claimed glasses having the desired properties. Thus, none of the claims are obvious.

With respect to new claims 49 and 51, wherein claim 49 is the same as claim 6, except for the absence of an optional component, i.e., SnO_2 , and wherein claim 51 is the same as claim 20, except for the absence of an optional component, i.e., SnO_2 , patentability over Watzke is even more clear since Watzke requires the presence of SnO in the glasses.

Claims 1-37 were rejected as allegedly unpatentable over Lautenschläger et al., US 6,465,381.

Lautenschläger requires the presence of ZnO_2 , SnO_2 , TiO_2 and CeO_2 in the glasses. See abstract. Independent claims 1, 2, 30, 36 and 37, and their dependent claims each exclude at least some of these components by the use of the “consisting of” language. No teaching or suggestion is present in the reference to exclude these components from the glasses

Lautenschläger also teaches glasses with percent ranges of components claimed broadly. All the examples in Lautenschläger are directed to glasses that do not fall within the claims of the present application. No example in the reference satisfies the balancing of the claimed components in a way to satisfy the requirements of the present invention. No teaching or suggestion is present in Lautenschläger that would provide the necessary motivation to one of skill in the art to select the components at the specified weight percentages to achieve the presently claimed glasses. Thus, none of the claims are obvious.

With respect to claims 14, 15, 28 and 29, requiring the presence of ZnO in more than 0 wt% in the glasses, the reference clearly teaches away from it being present in the glasses when stating that “ ZnO should not be contained in the glass composition.” See column 5, lines 13-17. Thus, unobviousness of these embodiments is even stronger.

With respect to new claims 49 and 51, wherein claim 49 is the same as claim 6, except for the absence of an optional component, i.e., SnO_2 , and wherein claim 51 is the same as claim 20, except for the absence of an optional component, i.e., SnO_2 , the patentability over Lautenschläger is even more clear since Lautenschläger requires the presence of SnO_2 in the glasses.

With respect to claims 53 and 54, which are the same as claims 6 and 20, respectively, except for the absence of an optional component from each, i.e., CeO_2 , the patentability over

Lautenschläger is even more clear since Lautenschläger requires the presence of CeO₂ in the glasses.

With respect to claims 55 and 56, which are the same as claims 6 and 20, respectively, except for the absence of at least one of optional components ZrO₂ or TiO₂, the patentability over Lautenschläger is even more clear since Lautenschläger requires the presence of both ZrO₂ and TiO₂ in the glasses.

Reconsideration of all the rejections is respectfully requested.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



Csaba Henter, Reg. No. 50,908
Anthony J. Zelano, Reg. No. 27,969
Attorneys for Applicants

MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
Arlington Courthouse Plaza I
2200 Clarendon Boulevard, Suite 1400
Arlington, Virginia 22201
Direct Dial: 703-812-5331
Facsimile: 703-243-6410

Filed: June 19, 2003

AJZ/CH/(pdr)K:\SGW\115\REPLY JUNE 2003.DOC